

REMARKS

Claims 1-28 are pending.

1. As explained in more detail in Section 3 of these Remarks, the rejection of claim 24 is clearly erroneous as is the rejection of all claims 1-28. As such, a new office action should be issued at least with respect to claim 24 and the finality of the present office action should be withdrawn. Should the new office action require a new reference, it would be improper for the new office action to be final. See generally MPEP 706.07.

2. Claims 1-28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Reiss et al. (US 2001/004336, hereinafter "Reiss") in view of Dreaper et al. (US 2004/0063484, hereinafter "Dreaper"). Applicants respectfully traverse this rejection.

Claim 1 is directed to a computer implemented method of providing an event related game. The method includes receiving event data associated with a media broadcast and a computer, generating a printable game set, and providing the printable game set in an electronic format configured for printing by a user. The printable game set includes at least one game card and a set of trade tickets. The at least one game card includes a list of game events associated with the media broadcast. Each trade ticket of the set of trade tickets identifies a game event.

Claim 13 is directed to a computer implemented method of providing interactive entertainment associated with a broadcast sports game. The method includes receiving event data associated with the broadcast sports game at the computer, generating a game set, and providing the game set in an electronic format configurable for printing by a user. The game set includes a plurality of game cards and a plurality of trade tickets. Each game card of the plurality of game cards lists a unique set of game events associated with the broadcast sports game. Each trade ticket of the plurality of trade tickets includes a unique game event. At least one of the plurality of trade tickets includes a game win event associated with a team associated with the broadcast sports game.

Claim 20 is directed to a method of providing interactive entertainment associated with the media event. The method includes accessing a game set provided in a printable electronic

format, printing the game set, and distributing one game card of the plurality of game cards and a subset of trade tickets of the set of trade tickets to one of a plurality of players. The game set includes the plurality of game cards and the set of trade tickets. Each game card of the plurality of game cards includes a distinct list of game events. Each trade ticket of the set of trade tickets identifies a game event.

Claim 27 is directed to a method of providing an event related game. The method includes receiving at a computer a request for a printable game set associated with a media broadcast, generating the printable game set, and providing to a user computer the printable game set in an electronic format configured for printing on paper by a user. The printable game set includes at least one game card and a unique identification number. The at least one game card includes a set of elements associated with the media broadcast.

Turning to the cited references, Reiss discloses an interactive fantasy lottery where lottery players are given game pieces describing discernible actors (people, animals, or events) that will be participating in an upcoming event. When the game piece is distributed over a computer network and displayed on a web page, the player is motivated to visit the web page in order to obtain a game piece and to monitor his performance in the lottery. The lottery player interacts with the game piece to reveal the sports figure or figures. Each sports figure has an associated event that the sports figure is involved in and an associated point value that may be accumulated based on the sports figures performance. (Reiss, Abstract). As relied upon by the PTO, when a server receives a request, it responds by issuing a requested page to a client, assuming that the client is allowed access. (Reiss, par. [0025]). FIG. 2 of Reiss illustrates a sample gaming piece 24 used in an interactive lottery having sports figures as the theme. An unactivated game piece is presented to the client either based upon a specific request for such a piece or simply as part of a web page that is returned by a server. The piece can simply indicate that it represents a gaming opportunity and requires selection by the client to initiate the game.

On the other hand, as presented by Reiss, the unactivated piece indicates that if the piece is activated the client will be assigned three sports figures. Also provided is an event indication listing the sporting event in which each figure will participate. (Reiss, par. [0030]). When a game piece is activated, an active game piece is presented. Now, rather than having a teaser, an

identification block is presented (FIG. 3 of Reiss) identifying each of the players. In addition, their silhouettes have been converted to recognizable images. The client knows which sports figure he should monitor to determine his success in the lottery. (Reiss, par. [0034]). Once the piece has been activated, the account previously established for the client is credited with the sports figures indicated on the piece. Once the stated sporting event occurs, determinations can easily be made as to how many points to award each client. The server can be interconnected to sports databases to automate this task. (Reiss, par. [0036]). As such, Reiss fails to teach or suggest generating a printable game set, fails to teach or suggest a printable game set including at least one game card and a set of trade tickets, fails to teach or suggest a game card including a list of game events associated with the media broadcast, fails to teach or suggest a set of trade tickets, and fails to teach or suggest trade tickets identifying a game event. Further, Reiss fails to teach or suggest providing the printable game set in an electronic format configured for printing by a user.

To overcome these deficiencies, the PTO turns to Dreaper, acknowledging that Reiss fails to teach game cards, printing the game set, and distributing the game cards and the trade tickets as claimed. Dreaper is directed to a method and apparatus for wagering on a contest by making two or more event outcome selections from the group of two or more events. A game card is provided having two or more event blocks containing events. A bettor submits a game card with a wager to become eligible to win a pool of wagers generated by multiple game card submissions. Upon occurrence of the contest, the event outcome selections on the game cards are compared to an actual outcome resulting from the contest and points are assigned to accurate outcome selections. (Dreaper, Abstract). In reference to FIG. 5 of Dreaper, a "complete game card (GC) 532 with associated bet is submitted by a bettor at a casino 516, online betting company 520, race track 524, or a remote processing office 528. The remote processing office 528 may be located near a sport contest, such as an example football game or race track. The bets from such bettors may be communicated by wired or wireless communication within the clearinghouse 504. The online betting company 520 may utilize the Internet to communicate to the clearinghouse 504. The casinos 516A, 516B, 516C, online betting company 520, race track 524, or remote processing office 528 may employ a sports book facility to dispense tickets and game cards to bettors. These peripheral facilities provide a venue for interaction and interface between the bettor and a clearinghouse 504 such that the bettor can facilitate selecting outcomes

associated with the events in a game card(s)." (Dreaper, par. [0103]). In reference to a "perfect ticket," Dreaper states that the "term 'perfect ticket' is defined as a game card that has a maximum number of winning outcomes, maximum number of points awarded or has a 'predetermined number of points' for a particular type of game card 104 after the outcomes in one or more contests are realized." (Dreaper, par. [0047]).

Accordingly, Dreaper discloses that a user fills out a game card, which is used for placing a bet, and that such game cards may be acquired from a sports book facility. Dreaper does not teach or remotely suggest providing a printable game set in an electronic format configured for printing by a user. Dreaper also fails to teach or suggest generating a printable game set that includes at least one game card and a set of trade tickets.

Accordingly, the PTO's proposed combination is deficient for a variety of reasons including:

1. the proposed combination fails to teach or suggest generating a printable game set that includes at least one game card and a set of trade tickets;
2. in an attempt to modify the primary reference, the PTO's proposed modification would change the principles of operation of the primary reference to an extent that negates any suggestion or motivation for the modification (see MPEP 2143.01 VI);
3. in addition, each of the references fails to teach or suggest generating a printable game set and fails to teach or suggest providing the printable game set to a user for printing by the user;
4. printing the modified game set proposed by the PTO would render the game piece of Reiss inoperable for its intended purpose (see MPEP 2143.01 V); and
5. further, the references fail to teach or suggest aspects of the dependent claims.

In regard to Reason 1, Reiss discloses an unactivated game piece that is subsequently activated, providing a random set of players in a random set of sports events. The game piece is not part of a game set that includes a set of trade tickets. Dreaper is similarly deficient. Dreaper discloses game cards that are used to indicate which events or outcomes are to be bet on. Dreaper

fails to teach or remotely suggest a set of trade tickets. In addition, Dreaper fails to teach or suggest a game set that includes game cards and a set of trade tickets. As such, both of the references, alone or in combination, fail to teach or suggest a game set that includes a game card and a set of trade tickets.

The PTO also attempts to address the lack of trade tickets by asserting that one of ordinary skill in the art would have been inclined to trade a physical game piece exchanged electronically in Reiss with other clients or users since each client or user requires the opportunity to commonly select a game piece. In fact, Reiss does not teach or suggest that users can exchange game pieces electronically or physically. Regarding Dreaper, once an individual selects what he anticipates to be a winning set of events and places a bet on those events, he would clearly not be motivated to then trade the game card away to other players. Accordingly, the PTO's reasoning in support of the combination is clearly incorrect.

Turning to Reason 2 and Reason 4, the PTO proposes combining the two references, presumably asserting that the game piece or card from one reference represents a set of trade tickets. However, the proposed modification would both change the principle of operation of the primary reference and render the primary reference inoperable for its intended purpose, either of which mean the references are not sufficient to make the claims *prima facie* obvious. See generally MPEP 2143.01 V and VI.

Regarding the principle of operation of the primary reference, the two game cards are not compatible in the same game or as proposed by the PTO. As stated above, the game piece of Reiss provides a random set of players in a random set of sports events. Dreaper's game card is provided to a user prior to placing a bet so that the user may indicate on which events the user intends to bet. Assuming *arguendo* that the combination were made, providing the user with a game card on which to select events on which to bet would negate or change the principle of operation of Reiss, which relies on the random presentation of players and sporting events. As such, the combination proposed by the PTO would change the principle of operation of the primary reference (Reiss), indicating that there is no suggestion or teaching to combine the references.

In addition, printing the game piece of Reiss would render the game piece inoperable for its intended purpose. The game piece of Reiss is configured to be electronically activated by a user. A random set of players in a random set of sports events presented in the activated game piece are utilized to automatically calculate points at a server. As such, Reiss clearly discloses an interactive game piece. Such interactivity would be destroyed or altered if it were printed.

Moreover, the game piece is intended to encourage clients to visit a website to monitor performance of the game piece. Accordingly, the game piece of Reiss would lose its functionality (interactivity) and would be rendered inoperable for the intended purpose (i.e., encouraging web traffic) described by Reiss if printed.

In regard to claim 27, Reiss also fails to teach or suggest a printable game set including a unique identification number. With respect to this element, the PTO turns to Reiss, par. [0034] and FIG. 3, item 48, in which an identification block includes the player's name. As is clearly disclosed by Reiss, the player referenced is the player of the sporting event. Replacing the player's identity with a lottery number as proposed by the PTO would render the game piece inoperable. The client would be unable to identify which player to follow during the sporting event and which player's actions lead to points for the client. As such, the PTO's proposed modification of Reiss to include a unique identification number in place of the identity of a player would both render the game piece of Reiss inoperable and would change the principle of operation of Reiss, either of which indicates a lack of suggestion or motivation for the proposed modification. See generally MPEP 2143.01 V and VI.

Regarding Reason 3, each reference fails to teach or suggest providing a game set as outlined above to a user for printing. The PTO acknowledges that Reiss fails to teach printing a game set. Dreaper nowhere teaches or suggests printing a game set that includes a game card and a set of trade tickets and that is previously generated. Instead, Dreaper merely suggests that sports books may distribute game cards so that bettors may place a bet. (Dreaper, par. [0103]).

With regard to Reason 5, the proposed combination of Reiss in view of Dreaper fails to teach or suggest aspects of the dependent claims. For example, claims 10 and 19 include associating a unique number with the game set. As described above with respect to claim 27, Reiss fails to teach or suggest providing such a unique number. The PTO's proposed

modification of Reiss to include such a unique number would render the game piece of Reiss inoperable and would change the principles of operation of Reiss. Absent such a unique number, claim 11 is also clearly patentable over Reiss in view of Dreaper.

For at least the foregoing reasons, claims 1-28 are patentable over Reiss in view of Dreaper. As such, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection.

3. In addition to the foregoing reasons for patentability outlined above with regard to claims 1-28, the rejection of claim 24 is clearly erroneous. Claim 24 depends from claim 20 and further recites “a player exchanges a trade ticket with a second player in response to the occurrence of a game event listed on the trade ticket (emphasis added).”

To address the features of claim 24, the PTO cites Reiss, par. [0025] which states:

“Referring to FIG. 1, a computer network 10 is illustrated that allows for the interconnection of a plurality of data terminals. Virtually any data exchanging electronic devices so connected could utilize the present invention. For illustrative purposes, the present invention will be described with reference to a general purpose computer network, such as the Internet and more specifically to terminals using a common protocol. Presently, the most commonly employed protocol is HTML (Hyper Text Markup Language) which facilitates access to the World Wide Web (WWW). Within that protocol, various terminals such as personal computers 2, 4, 6, and 8 connect to the Internet, typically through an ISP (Internet Service Provider), and interact by running a client browser. By so doing, they are able to request information from other connected computers, most often servers 14 that host Web pages. Generally, the host servers 14 are also connected to the Internet via an ISP. A client browser 2, 4, 6, 8, issues an HTTP (Hyper Text Transfer Protocol) request based upon a unique addressing function or URL (Uniform Resource Locator) that identifies a specific page of material. When server 14 receives such a request, it responds by issuing the requested page to the client, assuming that client is allowed access.”

As such, in the cited section, Reiss provides a general description of how web pages are acquired from a host via the Internet. The cited section fails to teach or suggest exchanging printed tickets in response to the occurrence of a game event listed on the trade ticket, and in fact, Reiss as a whole fails to teach or suggest exchanging printed tickets in response to the occurrence of a game event listed on the trade ticket. Dreaper is similarly deficient.

As such, in addition to the fact that the proposed combination renders the primary reference unsuitable for its intended purpose and changes the principle of operation of the primary reference, the proposed combination is clearly missing features of claim 24. As such, the PTO has failed to establish a *prima facie* case of obviousness, particularly with respect to claim 24, in addition to all claims 1-28.

Accordingly, Applicant respectfully requests that the final office action be withdrawn and a new office action be issued. Should the new office action provide a rejection based on a new reference, it would be improper for the new office action to be made final.

Applicants respectfully submit that the present application is now in condition for allowance. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending claims.


Should the Examiner deem that any further action by the Applicants would be desirable for placing this application in even better condition for issue, the Examiner is requested to telephone Applicants' undersigned representative at the number listed below.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-3797.

Respectfully submitted,

Date

1/7/09



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